IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON/GREENWOOD DIVISION

Timmie Taborn,)
	Petitioner,)) Civil Action No. 8:19-cv-2488-BHH
v. Warden Dobbs,)) (ORDER)
	Respondent.)))

This matter is before the Court upon Timmie Taborn's ("Petitioner") petition for habeas corpus, filed pursuant to 28 U.S.C. § 2241. On February 6, 2020, Magistrate Judge Jacquelyn D. Austin issued a Report and Recommendation ("Report") in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). In her Report, Magistrate Judge Austin recommends that the Court dismiss this case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure based on Petitioner's failure to respond to Respondent's motion to dismiss and Petitioner's failure to comply with the Court's orders. Attached to the Report was a notice advising Petitioner of the right to file specific, written objections to the Report within fourteen days of being served with a copy. The Report was mailed to Petitioner on February 7, 2020, and another copy was mailed to Petitioner on February 25, 2020, to ensure he received a copy. To date, however, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a de novo determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole

or in part, the recommendation of the Magistrate Judge, or recommit the matter to the

Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific

objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life

& Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a

timely filed objection, a district court need not conduct a de novo review, but instead must

'only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation.") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the

applicable law, and the findings and recommendations of the Magistrate Judge for clear

error. After review, the Court finds no clear error and agrees with the Magistrate Judge that

this action is subject to dismissal.

Accordingly, the Court adopts and incorporates the Magistrate Judge's Report (ECF

No. 25), and the Court hereby dismisses this action pursuant to Federal Rule of Civil

Procedure 41(b).

IT IS SO ORDERED.

/s/Bruce H. Hendricks

The Honorable Bruce Howe Hendricks

United States District Judge

March 16, 2020

Charleston, South Carolina

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